

Message Text

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PAGE 01 CAPE T 01093 081616Z
ACTION SCSE-00

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P R 081537Z JUL 77
FM AMCONSUL CAPE TOWN
TO SECSTATE WASHDC PRIORITY 6327
INFO AMCONSUL DURBAN
AMEMBASSY GABORONE
AMCONSUL JOHANNESBURG
AMEMBASSY MAPUTO
AMEMBASSY MASERU
AMEMBASSY MBABANE
AMEMBASSY PRETORIA

UNCLAS CAPE TOWN 1093

E.O. 11652: N/A
TAGS: CARP
SUBJ: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARESTED ABROAD

REF: STATE 147704

1. LEGAL COUNSEL OF THE "PUBLIC DEFENDER" TYPE IS AVAILABLE IN SOUTH AFRICA AND PROVIDED TO ALL PRISONERS INCLUDING US NATIONALS WHO ARE PROVEN TO BE DESTITUTE AND CONSEQUENTLY UNABLE TO FUND PRIVATE COUNSEL. (FEES CHARGED FOR LEGAL COUNSEL IN SOUTH AFRICA NORMALLY RELATE TO THE CLIENT'S PERSONAL INCOME OR ASSETS. IT IS THEREFORE ENCUMBENT UPON THE ACCUSED TO ESTABLISH HIS NEED FOR ASSISTANCE FROM THE LEGAL AID BOARD TO PROVIDE FUNDS FOR HIS DEFENSE.)

2. LEGAL REPRESENTATION IS READILY AVAILABLE. A ROSTER OF LOCAL ATTORNEYS IS MAINTAINED BY THE LEGAL AID BOARD (LAB), A COMMITTEE COMPOSED OF MEMBERS OF THE SOUTH AFRICAN BAR ASSOCIATION SERVING
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VOLUNTARILY AND UNCOMPENSATED, WHICH REVIEWS APPLICATIONS FOR ASSISTANCE AND APPROVES THOSE OF GENUINELY DESTITUTE APPLICANTS. LEGAL COUNSEL IS SELECTED FROM THE ROSTER OF ATTORNEYS PRACTICING IN THE DISTRICT WHO PROVIDE THEIR SERVICES FOR THE MODEST FEES PAID FROM FUNDS MADE AVAILABLE BY THE STATE BUT ADMINISTERED BY THE LEGAL AID BOARD. THESE FEES CON-

STITUTE BUT A FRACTION OF THOSE NORMALLY CHARGED PAYING
CLIENTS FOR SIMILAR SERVICES. PRISONER MAY CHOOSE
AN ATTORNEY OTHER THAN THE ONE TAKEN FROM THE LAB
ROSTER IF HE KNOWS OF ONE IN WHOM HE COULD HAVE MORE
CONFIDENCE. THE PRISONER'S PERSONALLY-SELECTED
ATTORNEY IS APPOINTED TO REPRESENT HIM IF THE ATTORNEY
IS FREE TO ACCEPT HIS CASE.

3. IN GENERAL, QUALITY OF ATTORNEYS SUPPLIED BY LAB
FOR DESTITUTE PRISONERS IS NOT AFFECTED BY SOURCE OF
FUNDS, WHETHER PUBLIC OR PRIVATE. A PRIVATELY SELECTED
AND FINANCED ATTORNEY MAY PRESENT A LESS EFFECTIVE CASE FOR
THE DEFENSE THAN A PUBLICLY FUNDED ATTORNEY WHOSE SERVICES HAVE
BEEN OBTAINED THROUGH THE LEGAL AID BOARD. IN THOSE CASES
INVOLVING ALIEN PRISONERS WHOSE GOVERNMENTS NORMALLY PROVIDE
FUNDS FOR LEGAL AID TO THEIR OWN NATIONALS IMPRISONED
AND TRIED ABROAD, LEGAL AID IS NOT PROVIDED BY THE
LEGAL AID BOARD SINCE THE PRISONER IS HELD TO HAVE
ACCESS TO FUNDS AVAILABLE FOR HIS LEGAL DEFENSE.
DEFENDANTS PLANNING TO PLEAD GUILTY TO A CHARGE ARE
NOT ELIGIBLE FOR ASSISTANCE FROM THE LEGAL AID BOARD.WHITE

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